

Application No. 10/533,876

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**MAY 15 2008**

**AMENDMENTS TO THE DRAWINGS**

*Attached is one replacement drawing sheet including Fig. 11 which should replace the original drawing sheet including Fig. 11. Also attached is a new drawing sheet including Fig. 12 which should be added to this application.*

One replacement Drawing Sheet

One New Drawing Sheet

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Appreciation is expressed to Examiner Truong for the indicated allowability of Claims 11-18. By way of this Amendment, new dependent Claims 27-32 are added. Thus, the claims currently at issue are Claims 1-10 and 23-32.

Submitted with this Amendment is a replacement drawing sheet including an amended version of Fig. 11 which is similar to original Fig. 11, except that it illustrates both forming flaps pressing opposing portions of the package towards one another. In addition, also submitted with this Amendment is a new drawing sheet including Fig. 12 which illustrates the two forming flaps being directly pushed by the associated sealing half. The specification is amended to make reference to the new drawing figure. In light of the forgoing, withdrawal of the drawing objection is respectfully requested.

The Official Action maintains the rejection of independent Claims 1 and 26 based on the disclosure in U.S. Patent No. 2,798,349 to Mojonnier. The Official Action interprets the folding bars 46, 47 in Mojonnier as corresponding to the claimed forming flaps, and interprets the jaws 61, 64 in Mojonnier to correspond to the claimed sealing halves. As explained previously, the forming bars (forming flaps) 46, 47 in Mojonnier are not directly pushed by the jaws (sealing halves) 61, 64 as set forth in Claim 1, and the jaws (sealing halves) in Mojonnier 61, 64 do not contact a portion of the folding bars 46, 47 to move the folding bars as recited in independent Claim 26. The Official Action responds to these points by observing that the forming bars 46, 47 and the jaws 61, 64 in Mojonnier work together in a synchronized manner and thus are the same as the claimed folding flaps and sealing halves.

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Though Applicants do not embrace this interpretation, to advance prosecution of this application, independent Claims 1 and 26 are amended to more clearly set forth ways in which the package sealing apparatus at issue here distinguishes over the disclosure in Mojonnier. Claim 1 is amended to recite that both of the sealing halves are movable and to recite that each forming flap is directly pushed by the respective sealing half during movement of the respective sealing half towards the closed sealing position. In Mojonnier, not only are the forming bars 46, 47 not directly pushed by the jaws 61, 64, but one of the sealing halves 61 does not move and thus cannot be said to directly push the respective forming bar 46.

Claim 26 is amended to make clear that each sealing half moves from a position out of contact with the forming flaps to a position in contact with a portion of the forming flap to move the forming flap into contact with the opposing portions of the package. Quite clearly, this is not the case with the apparatus disclosed in Mojonnier as each of the jaws 61, 64 in Mojonnier does not move from a position out of contact with the forming bars 46, 47 to a position in contact with a portion of the forming bars 46, 47 to move the forming bar into contact with opposing portions of the package.

It is thus respectfully submitted that the packaging sealing apparatus recited in independent Claims 1 and 26 is patentably distinguishable over the disclosure in Mojonnier.

The dependent claims define additional distinguishing features associated with the package sealing apparatus. For example, Claims 27 and 30 recite the frame and motor, and further define that the frame comprises a plate-shaped member in the middle section of the frame, with the motor being positioned vertically below the plate-shaped member and connected to a rotatably mounted cam disk

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which is rotatably driven through operation of the motor. The claims also recite the cam disk that is positioned vertically below the plate-shaped member. This arrangement of features is not disclosed in Mojonnier.

The applied reference also does not disclose a vertically oriented guide, a carrier slidably mounted on the guide and operatively engaged with the cam disk so that rotation of the cam disk results in sliding movement of the carrier along the guide, and a link operatively connected between the carrier and at least one of the sealing halves to transmit sliding movement of the carrier produced by rotation of the cam disk into movement of the at least one of the sealing halves as set forth in Claims 28 and 31.

Claims 29 and 32 are a bit different in that they define the vertically oriented guide, the carrier slidably mounted on the guide and operatively engaged with the cam disk so that rotation of the cam disk results in sliding movement of the carrier along the guide, and the link operatively connected between the carrier and at least one of the forming flaps to transmit sliding movement of the carrier produced by rotation of the cam disk into pivoting movement of the at least one sealing flap. Once again, this claimed arrangement of features is lacking in Mojonnier.

Early and favorable consideration of this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

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in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

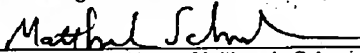
Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: May 15, 2008

By: \_\_\_\_\_  
Matthew L. Schneider  
Registration No. 32814

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620

I hereby certify that this correspondence is being submitted by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to the following facsimile number.		
Facsimile Number: 571-273-8300	 Typed Name: Matthew L. Schneider	Date of Transmission: May 15, 2008

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